

DOCKET NO.: 265380US41PCT/brf

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

GROUP: 1745

Rolf KOETTE, et al.

SERIAL NO: 10/524,671

EXAMINER: BELL, WILLIAM P.

FILED: September 12, 2005

FOR: METHOD FOR THE FABRICATION OF A MOVABLE WINDOW PANE  
FOR A VEHICLE AND DROP GLASS FOR A VEHICLE

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

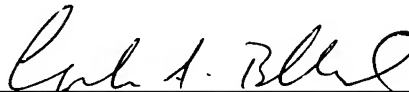
This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s). No more than five (5) pages are provided.

I am the attorney or agent of record.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.



Philippe J.C. Signore, Ph.D.  
Registration No. 43,922

Customer Number

**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 07/09)

Christopher A. Bullard  
Registration No. 57,644

DOCKET NO: 265380US41PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
Rolf KOETTE, et al. : EXAMINER: BELL, WILLIAM P.  
SERIAL NO: 10/524,671 :  
FILED: SEPTEMBER 12, 2005 : GROUP ART UNIT: 1745  
FOR: METHOD FOR THE :  
FABRICATION OF A MOVABLE  
WINDOW PANE FOR A VEHICLE  
AND DROP GLASS FOR A  
VEHICLE

REMARKS ACCOMPANYING  
PRE-APPEAL BRIEF REQUEST FOR REVIEW

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Appellants respectfully request that a Pre-Appeal Brief Conference be initiated in accordance with the pilot program outlined in the Official Gazette Notice of July 12, 2005.

I. FAILURE TO PRESENT A *PRIMA FACIE* CASE OF OBVIOUSNESS

Appellants submit that the Final Office Action of November 24, 2010 (hereinafter “Final Action”) has failed to provide a *prima facie* case of obviousness under 35 U.S.C. § 103 with respect to Claims 17, 19, 21-23 and 33-35 of the present application.<sup>1</sup>

Claims 17 and 34 each recite methods for fabrication of a plurality of vehicle drop glasses, and that the at least three predetermined contact points on a main face of the pane are the same for each of the plurality of vehicle drop glasses. Claims 17 and 34 further recite the

---

<sup>1</sup> See the Final Action at pages 2-14, detailing the rejection of Claims 17, 19, 21-23, and 33-35 under 35 U.S.C. § 103(a) as unpatentable over Legrand (International Publication No. WO 01/98613) in view of Ichinohe (U.S. Patent No. 4,663,901) and Mackey (U.S. Patent No. 6,467,232).

location of the at least three predetermined contact points. Specifically, Claims 17 and 34 recite the main face of the pane is a surface that faces toward an interior of a vehicle when the pane is installed, and the at least three predetermined points include two points on an upper sealing edge of the main face of the pane and a point on a lower edge of the main face of the pane close to where the support part is to be attached.

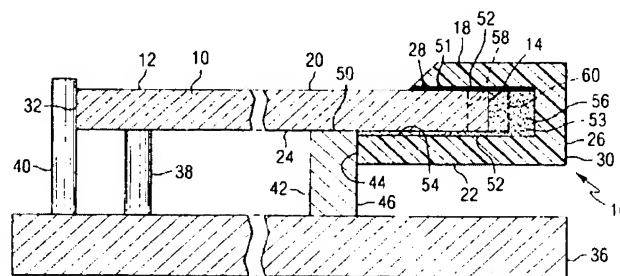
Turning to the cited references, the Final Action identifies the “candles” described at page 5, lines 24-26 of Legrand as corresponding to at least three predetermined contact points on a main face of a pane, but acknowledges that the combined teachings of Legrand and Ichinohe fails to disclose at least three predetermined contact points on a main face of the pane are the same for each of the plurality of vehicle drop glasses. (See Final Action at page 5). The Final Action asserts the embodiment illustrated in Figure 4 of Mackey cures this deficiency, and identifies the ledge surface 460 as a plurality of contact points of device 434 which contacts the lower surface of pane 10. The paragraph spanning pages 6 and 7 of the Final Action further states (emphasis added):

It would have been obvious to one of ordinary skill in the art at the time of the invention to have located each of a plurality of panes on the supporting device using the same predetermined contact points on a main face of the panes, as taught by Mackey, for the benefit of checking the conformance of the panes to the desired shape along the edges (see Mackey, column 5, lines 34-42).

However, Mackey fails to disclose or suggest at least three contact points on a main face of the pane that are: (1) in the same location recited in Claims 17 and 34, and (2) are the same for each of the plurality of vehicle drop glasses.

One of the at least three predetermined contact points recited in Claims 17 and 34 is a point on a lower edge of the main face of the pane close to where the support part is to be attached. Although Figure 4 of Mackey illustrates a configuration in which the inner surface of each window 412 contacts the upper surface of a guide 442, this contact would occur at different contact points for each window. This difference in location of contact points on the

inner surface of consecutive windows results from Mackey using a series of alignment stops on a *window edge* as reference datum points for each window. As shown in Figures 2 and 3 of Mackey, “[p]osts 38 provide support for the window 12 and alignment stops 40 establish datum points to position the window 12 at a desired position and orientation on the fixture 34.” (See Mackey at col. 3, ll. 38-40). By using alignment stops 40 to establish datum points on a window edge, the points at which the inner surface 24 makes contact with the surface 50 of the guide 42 changes with each subsequent pane of glass. For example, as shown in Figure 3 of Mackey, reproduced below, the edge 14 of the window 12 can vary in location from window to window as denoted by the dotted lines 58 and 60. As a result, the point at which inner surface 24 contacts the surface 50 of the guide 42 would also change.



**FIG. 3**

**Figure 3 of Mackey**

The same would hold true for the guide 442 illustrated in Figure 4 of Mackey: “Guide 442 is positioned on base 436 at a predetermined location relative to stops 440 as discussed earlier with respect to guide 42, to correctly position member 416 on the marginal edge similar to but opposite the marginal edge 428 of the window 412 without using peripheral edge 414 of the window 412 as a guide.” (Mackey, at col. 5, ll. 42-47). Because the stops 440 on the *edge* of the window 412 are used as reference points, the *inner surface* of each window 412 would contact the upper surface of the guide 442 at different contact points with respect to previous or subsequent windows. By contrast, Claims 17 and 34 recite the at least

three predetermined contact points on *a main face* of a pane are *the same for each pane*. The at least three predetermined contact points include two points on an upper sealing edge of the main face of the pane and *a point on a lower edge of the main face of the pane close to where the support part is to be attached*.

Nevertheless, the Final Action asserts in the paragraph spanning pages 13-14:

Mackey suggests that a plurality of panes be supported along their edges using fixed, non-adjustable supports. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used fixed “candles” along the edges of the pane in the method Legrand. Mackey further teaches support positions which correspond to the claimed positions and suggests that one would modify the support positions according to the desired location(s) of the support part(s). Thus, while Mackey may or may not teach that the contact points are the same from pane to pane as applicant argues, the fixed “candles” located along the edges of the panes in the method of Legrand as modified by Mackey would result in supporting a plurality of panes in the same positions.

This line of reasoning is incorrect for at least two reasons: 1) as discussed above Mackey teaches the use of fixed supports in the context of the fixed supports making contact with different points of the main face for each pane of glass, and 2) as described at page 5, lines 21-33 of Legrand, Legrand describes adjustable edge stops that are adjusted for each glazing in order to conform the glazing to dimensions specified by a manufacturer. Thus, as with Mackey, Legrand uses stops on a *window edge* as reference datum points for each window. In Legrand, a different adjustment is made for each glazing using edge stops. Such a method would not result in the same predetermined contact points for each of a plurality of vehicle drop glasses, as recited in each of independent Claims 17 and 34. Therefore, merely making the “candles” of Legrand fixed would not result in the subsequent panes of glass contacting the “candles” at the same points for each pane of glass

Accordingly, even the combined teachings of Legrand, Ichinohe and Mackey fail to disclose or suggest all of the features recited in Claims 17 or 34. It is submitted Claims 17, 34 and the claims depending therefrom are in condition for allowance.

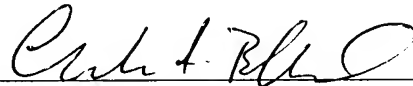
II. CONCLUSION

Appellants respectfully submit the U.S. PTO has failed to establish a *prima facie* case of obviousness in view of the clear factual and legal deficiencies outlined above.

Accordingly, it is respectfully requested the Final Action dated November 24, 2010 be WITHDRAWN. A Notice of Allowance for Claims 17, 19, 21-23 and 33-35 is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.



Philippe J.C. Signore, Ph.D.  
Attorney of Record  
Registration No. 43,922

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 07/09)

Christopher A. Bullard  
Registration No. 57,644